

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

SCOTT MOUNT, an individual,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE No. 10-CV-666-CVE-PJC
)	
WALGREEN CO., a foreign for profit business corporation,)	
)	
DEFENDANT.)	

OPINION AND ORDER

Plaintiff's Application for Attorney Fees Regarding Enforcement of Settlement Agreement [Dkt. 36] is before the Court for decision. Defendant has filed a response. [Dkt. 41]. Plaintiff has filed a Reply. [Dkt. 42].

Plaintiff seeks attorney fees under 28 U.S.C. § 1927 contending Defendant unreasonably and vexatiously delayed paying Plaintiff the money agreed upon as settlement of the case. Plaintiff points out that prompt payment was discussed at the settlement conference but it took from May 2, 2011 until May 31, 2011 to receive payment.

Defendant responds that it acted reasonably and in good faith in getting the settlement documents agreed to and payment delivered to Plaintiff.

28 U.S.C. § 1927 provides:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

Although it took longer for Defendant to pay the settlement amount to Plaintiff than the Court anticipated at the settlement conference and Defendant could have been better at communicating with Plaintiff's attorney, the facts do not establish that Defendant unreasonably and vexatiously multiplied the proceedings.

Plaintiff's Application for Attorney Fees Regarding Enforcement of Settlement Agreement [Dkt. 36] is DENIED. The parties shall file dismissal papers by July 12, 2011.

SO ORDERED this 5th day of July, 2011.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE